IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7909 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHAMPA SIPPY MEMORIAL TRUST - Petitioner(s)
Versus
DIST.EDUCATION OFFICER - Respondent(s)

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Appearance :
FRESH NOTICE REQD(N) for Petitioner(s) : 1,
Mr. DIPEN DESAI, Asst. GOVERNMENT PLEADER for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 05/04/2007

ORAL JUDGMENT

In this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, order or direction

directing the respondent to grant necessary permission to the petitioner to charge and collect tuition fees at the rate of Rs. 120 per month per student. By way of ad-interim relief in terms of Para 13(D) the petitioner prayed that the respondent may be directed to allow the petitioner to charge tuition fee at the rate of Rs. 110 per month per student. By order dated 23.10.1996, while admitting the present Special Civil Application and ordering that this petition be heard along with SCAs No. 3883/96, 3914/96 and other allied matters this Court granted ad-interim relief in terms of para 13(D), meaning thereby that the respondent was directed to allow the petitioner to charge/recover tuition fees at the rate of Rs. 110 per month per student. The said interim relief has been continued for all these years. Reply to the Special Civil Application has also not been filed by the respondent. Special Civil Application No. 3883 of 1996 came to be disposed of by the learned Single Judge of this Court [Coram: Mr. S.K. Keshote, J., as he then was] by CAV Judgment

dated 24.7.2000 by which the learned Single Judge has disposed of the same in terms that the respondent may consider the matter afresh for grant of permission to the petitioner to raise the fees of primary students to Rs. 130 per month by considering the Special Civil Application itself to be a representation of the petitioner. Under the circumstances, the present Special Civil Application is required to be disposed of on the lines of the direction issued by this Court in judgment dated 24.7.2000 in Special Civil Application No. 3883 of 1996.

2. Under the circumstances, this Special Civil Application is disposed of in terms that the respondent may consider the matter afresh for grant of permission to the petitioner to raise the fees of primary section students to Rs. 120 per month. The present Special Civil Application be treated as representation of the petitioner and order may be passed thereon within the period of three months from the date of receipt of this

order. Till the matter is decided by the respondent and thereafter for a further period of 15 days from the date of such decision, the interim relief granted by this Court shall continue. If the order goes adverse to the petitioner, the petitioner is free to challenge the same which can be dealt with in accordance with law and on merits.

3. With these, the present Special Civil Application is disposed of, however there shall be no order as to costs.

[M.R. Shah, J.]

rmr.